

Todd S. Cushner, Esq.  
Cushner & Associates PC  
*Attorneys for the Debtor*  
Cushner & Associates, P.C.  
399 Knollwood Road, Suite 205  
White Plains, New York 10603  
(914) 600-5502 / (914) 600-5544  
[todd@cushnerlegal.com](mailto:todd@cushnerlegal.com)

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X

IN RE:

CHAPTER 13

ROBERT N. RUSTICI AND  
ARLENE P. RUSTICI,

CASE NO. 19-22279 (SHL)

DEBTOR(S)

-----X

**CERTIFICATION IN SUPPORT OF MOTION FOR ORDER APPROVING  
LEASE AGREEMENT BETWEEN THE DEBTORS' AND ROCKLAND NISSAN**

Todd S. Cushner, Esq. an attorney at law duly admitted to the Southern District of New York, affirms as follows:

1. I am the attorney for debtor's Robert N. Rustici and Arlene P. Rustici, (the "Debtor's") in the instant bankruptcy proceeding.
2. I submit this affirmation in support of Debtors' application seeking an Order approving a lease agreement between the Debtor and Rockland Nissan ("Nissan").
3. On February 20, 2020 (the "Petition Date"), the Debtors' filed a voluntary petition for relief under chapter 13 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York, White Plains Division.
4. Prior to the Petition Date, on or about July 29, 2017, the Debtors' entered lease agreement with Nissan Motor Acceptance Corporation ("Rockland Nissan") for a 2017 Nissan Rogue for thirty-five (35) monthly payments of \$485.00 with the first monthly payment being due on August 25, 2017 and the final payment being made on July 25, 2020. (Annexed hereto as

**Exhibit “A”** is a copy of Rockland Nissan proof of claim, Claim No. 5, with the Rockland Nissan lease agreement).

5. The Debtors’ lease agreement with Rockland Nissan expires on July 25, 2020.

6. The Debtors’ seek Court approval to enter into a thirty-six (35) month lease agreement with Rockland Nissan for a 2020 Nissan Rogue with monthly payments in the amount of \$379.00 per month. (Annexed hereto as **Exhibit “B”** is a copy of the proposed purchase agreement between the Debtors’ and Rockland Nissan).

7. The new lease agreement will decrease the Debtors’ monthly lease payment from \$485.00 to \$379.00 per month.

8. Upon approval of this motion, schedules A/B, D and G of the Debtors’ petition will be amended to reflect the new lease agreement.

9. The approval of this lease agreement will not adversely impact the Debtors’ creditors as the Debtors’ chapter 13 plan payments remain the same.

**WHEREFORE**, the Debtor respectfully requests that this Court grant the Debtors’ Motion and enter an Order Approving the Debtors’ Lease Agreement with Rockland Nissan.; and for such other and further relief as this Court may deem just and proper.

Dated: White Plains, New York  
July 2, 2020

Respectfully submitted,

By: /s/Todd S. Cushner  
Todd S. Cushner, Esq.  
Cushner & Associates, P.C.  
*Attorneys for Debtor*  
399 Knollwood Road, Suite 205  
White Plains, New York 10603  
(914) 600-5502 / (914) 600-5544  
[todd@cushnerlegal.com](mailto:todd@cushnerlegal.com)